

201—20.17(904) Institutional community placement.

20.17(1) Home care program. This program allows for selected incarcerated individuals to be released from institutional confinement for a set period of time for the purpose of caring for the incarcerated individual's immediate family. Release may be to a community correction residential facility/halfway house or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. Eligibility criteria.

- (1) The incarcerated individual must be the natural parent or legal guardian of the child/children.
- (2) The incarcerated individual must show cause that this program can provide more suitable care than the present living situation of the child/children.
- (3) The child/children must be minor(s).
- (4) The incarcerated individual must have been the primary caretaker of the child/children prior to incarceration.
- (5) Investigating staff must be able to confirm that the incarcerated individual had satisfactorily served this care prior to incarceration.
- (6) The proposed living arrangements shall provide a suitable environment for the incarcerated individual and dependents.
- (7) The physical structure of the residence shall provide for adequate space, meet sanitary, health and safety requirements, and be in good repair. A functional telephone must be maintained in the residence at all times.
- (8) It will be verified that the incarcerated individual, including spouse or immediate family member living at the same residence, can and will provide adequate support towards the child, children, or other dependent. Eligibility requirements for assistance through the department of human services programs (FIP, food stamps, etc.) will be verified prior to final approval.
- (9) It will be verified that the incarcerated individual or immediate family living at the residence can provide adequate transportation or that public transportation is available.
- (10) Adequate support services (medical, psychological, educational, as well as other treatment programs) must be arranged and available to both the incarcerated individual and dependents.
- (11) Dependent care for an adult member of the incarcerated individual's immediate family must include a medically documented need with periodic supervision or other approved arrangements by a health-trained professional.

b. Requirements.

- (1) Education/employment/child care/adult dependent care. Where all dependents are involved in full-time school, participation in an educational or employment program may be required of the incarcerated individual. Where such dependents are not yet in school, child care may be considered as full-time employment.
- (2) Child care/adult dependent care. Child care shall be provided in the home. Therefore, the residence will be considered as the designated place of assignment. Deviations from same shall be reported to staff in advance.

20.17(2) Work program—eligibility criteria. This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for gainful employment in the community. The program may also include placement in a community corrections residential facility/halfway house, or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. The incarcerated individual must show a substantial need and interest for participation in the program.

b. The incarcerated individual must seek and apply for employment through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures.

c. Suitable employment and verification must be obtained by staff prior to consideration.

20.17(3) Educational program—eligibility criteria. This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for educational opportunities in the community. This program may also include placement in a community corrections residential facility/halfway house or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. The incarcerated individual must show a substantial need and interest for participation in the program.

b. The incarcerated individual must seek educational opportunities and financial support through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures (financial arrangements can only include family support or grants). Educational loans or loans of any type will not be allowed while on institutional count. Additional community corrections restriction may apply while under community supervision.

20.17(4) General requirements for all three programs.

a. Participation in any of these programs at any level is a privilege, not a right, of which participating incarcerated individuals are subject to and held accountable for all provisions of this policy as well as the specific program plan.

b. Institutional progress and recommended program participation must reflect an average or above rating.

c. Incarcerated individuals must be furlough-eligible in accordance with furlough eligibility standards in DOC policy IS-RL-04 and rule 201—20.12(904).

d. If applicable, community corrections residential/halfway house rules and regulations will apply as well as institutional rules including all program plan rules.

e. Local authorities will be contacted to determine possible concerns (correctional services, county attorney, law enforcement).

f. The incarcerated individual may be required to submit to periodic or regular U.A. Testing (this procedure may be completed at any correctional institution, community corrections facility/office, or at the residence).

g. All activity will be monitored by community corrections staff and institutional staff as agreed.

h. All employment and educational earnings, less payroll deductions including education grants and expenses, shall be surrendered to the residential facility/halfway house staff according to established procedures or to the institution business manager, whichever applies, according to the program plan. Employment earning deductions will be prioritized in accordance with Iowa Code section 904.905 for all levels of placement.

i. Contact frequency. A minimum of one home visit and one other face-to-face contact per month is required of staff. Furthermore, a sufficient number of collateral contacts will be made each month to ensure that the incarcerated individual is meeting requirements of the program plan.

j. Special needs. In situations where incarcerated individuals or the family have special needs, a case planning system shall be incorporated to address needs, capabilities, and specific goals. Special attention shall be given to past or immediate problems.

k. Travel. Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

l. Temporary absence. Incarcerated individuals may temporarily leave the residence for necessary purposes such as shopping, religious services, family recreation, medical appointments, employment, etc., as indicated on the plan.

20.17(5) Application procedures.

a. Applications must be made to the present institutional classification committee (utilizing Form 1).

b. The application must contain all pertinent information and resources for the requested program.

c. The classification committee shall review each case considering all standards and criteria.

d. The classification committee's recommendation must be approved by the warden.

e. If approved by the warden, the recommendation and all pertinent information shall be forwarded to the institutional deputy director for final approval.

f. If the recommendation is approved by the institutional deputy director, the incarcerated individual must agree to abide by all rules established in the program plan including institutional rules and community corrections rules as well as all local, state, and federal laws.

g. Each level of review has the authority to deny the application or to make changes in the program plan including level of placement, i.e., institutional, residential/halfway house, home, as well as electronic monitoring devices.

h. Incarcerated individuals placed in any of these programs will not be relieved of paying restitution or any other financial obligation as required by the court or institution.

20.17(6) *Violations.*

a. Violation of any rule set forth in the program plan including any additional rules set forth by any authority listed in this policy may constitute the revocation of participation in either program at any level.

b. Revocation may also occur for improper care of children or dependents, inadequate earnings, failure to maintain employment or unacceptable employment conduct, rule violations, or failure to meet program expectations.

20.17(7) *Program activity.* This rule does not create any liberty interest in the incarcerated individual's continued participation in any of the programs at any level listed under this rule, and the department of corrections or its designee(s) reserves the right to revoke, suspend, or limit/restrict program activity from the listed programs for any reason, without hearing.

20.17(8) *Waiver of liberty interests.* As a condition for an incarcerated individual to participate in any of the programs at any level listed under this rule, the incarcerated individual must voluntarily waive any and all liberty interests to a hearing should the department exercise its right to revoke, suspend or limit/restrict program activity. This waiver must be signed prior to an incarcerated individual's acceptance into a program. The signed waiver shall remove any and all rights to due process should the department exercise its right to revoke, suspend or limit/restrict program activity.

This rule is intended to implement Iowa Code section 904.910.

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]